JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT		SAN FRANCISCO		
FILE NUM	BER:	27055N		
PROJECT I	COCATION	INFORMATION:		
Sta	te:	California		
	unty:	Napa		
Cer	nter coordinat	es of site (latitude/longitude):	38-30-59.1	592 122-27-37 4408
Ap	proximate siz	e of area (parcel) reviewed, incl	uding upk	unds: 20 acres
Nai	me of nearest	waterway: Napa River	- 1	
Nai	me of watersh	ed: Napa River		
JURISDICT	IONAL DET	ERMINATION		
	mpleted:	Desktop determination	[]	Date:
		Site visit(s)	[x]	Date(s): March 8, 2005
Jur	isdictional D	etermination (JD):		
[] i	reliminary JE) - Based on available informati	on, [] thei	re appear to be (or) [] there appear to be no "waters of the
Cime	ou ounce an	aroi mavigable waters of the Of	nited States	s" on the project site. A preliminary JD is not appealable
(Ref	erence 33 CF	R part 331).		
[x] <i>i</i>	Approved JD heck all that a	 An approved JD is an appeala apply: 	ble action	(Reference 33 CFR part 331).
E.	There are "n	avigable waters of the United S viewed area. Approximate size	tates" (as o	defined by 33 CFR part 329 and associated guidance)
r				
Įx	J There are "v reviewed area	waters of the United States" (as a. Approximate size of jurisdict	defined by ional area:	33 CFR part 328 and associated guidance) within the $9.0~\mathrm{acres}$.
[]	There are "is	olated, non-navigable, intra-sto	ite waters	or wetlands" within the reviewed area.
	[] Deci	sion supported by SWANCC/N	ligratory E	Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS OF JU		NAL DETERMINATION:		
A. W	aters defined	under 33 CFR part 329 as "	navicable	waters of the United Cont. II
[] T	ne presence of	waters that are subject to the el	ob and flow	v of the tide and/or are presently used, or have been used
in	the past, or m	ay be susceptible for use to tran	sport inter	state or foreign commerce.
B. W	aters defined	under 33 CFR part 328.3(a)	as ^H water	s of the United States!!.
[](1)	The presence	e of waters, which are currently	used or w	ere used in the past, or may be susceptible to use in
1	merstate of it	reign commerce, including all v	waters whi	ch are subject to the ebb and flow of the tide
£1(4),	r rue presence	or interstate waters including i	nterstate w	retlands ¹
[](3)	The presence	e of other waters such as intrasta	ite lakes, r	vers, streams (including intermittent strange) mudden
	andiais, wei	ands, sibugits, prairie poinoies,	wet meado	DWS, playa lakes or patural nonder the use doored the second
(Condendity of	winch could affect interstate co	mmerce in	cluding any such waters (check all that apply).
	[](i) wii	ich are or could be used by inte	rstate or fo	reign travelers for recreational or other purposes
	[] (n) nc	un wnich lish of shellfish are or	could be t	aken and sold in interstate or foreign commons
	{ } (m) w	men are or could be used for inc	dustrial ou	rooses by industries in interctate command
[](4)	mpoundmen	us of waters otherwise defined a	is waters o	f the US.
[x] (5)	The presence	e of a tributary to a water identif	fied in (I)	- (4) above.

(6)	The	presence	of	territorial	seas
· (· · ·	, ,,,,	F/1 0000 100	U.	CHILDITE	ocas.

[x] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project area includes the Napa River and adjacent wetlands.

[8] Ordinary High Water Mark indicated by: [9] eldear, natural line impressed on the bank [1] tidal gages [1] thanges in the character of soid [1] thysical markings/characteristics [1] dates gages [2] other: [1] dates a wait be greated by: [1] other: [1] Mean High Water Mark indicated by: [1] survey to available datum; [1] physical markings: [1] vegetation lines/changes in vegetation types. [8] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: [8] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: [8] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: [8] Wass For Not Asserting Jurisdictions: [1] The reviewed area consists entirely of uplands. [1] Unable to confirm the presence of waters in 33 CFR part 328.3(a)(3). [1] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: [8] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. [1] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [1] Artificial lacks and ponds created by excavating and/or disking dy land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. [1] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or disking dy land to retain water for primarily aesthetic reasons. [1] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land of the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). [1] Hostofice depressions created in dry land for the ap		Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
St clear, natural line impressed on the bank 1 oil or seum line along shore objects 1 thenges in the character of soil 1 physical markings/characteristics 1 thenself or debris deposits (foreshore) 1 physical markings/characteristics 1 thenself or debris deposits (foreshore) 1 physical markings/characteristics 1 physical markings/characteristics 1 physical markings 1 other: 1 Mean High Water Mark indicated by: 1 other: 1 Mean High Water Mark indicated by: 1 other: 1 mean things of the purpose of a variable datum; 1 physical markings. 1 vegetation lines/changes in vegetation types. 1 Survey to available datum; 1 physical markings. 1 vegetation lines/changes in vegetation types. 1 Physical markings. 1 Phys		
St the presence of litter and debris Infra shell or debris deposits (foreshore) I changes in the character of soil I physical markings/characteristics I tidal gages I other: I		
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[x] destruction of terrestrial vegetation		
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[] USDA Natural Resources Conservation Service Soil Survey:
[] National wetlands inventory maps:
[] State/Local wetland inventory maps:
[] FEMA/FIRM maps (Map Name & Date):
[] 100-year Floodplain Elevation is: (NGVD)
[] Aerial Photographs (Name & Date):
[] Other photographs (Date):
Advanced Identification Wetland maps:
[x] Site visit/determination conducted on:
[] Applicable/supporting case law: March 5, 2005
[] Other information (please specify):
[] Applicable/supporting case law: March 5, 2005

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.